

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BRIAN TRACEY HILL,  
Plaintiff,

v.

E. HODAN, et al.,  
Defendants.

Case No.: 1:21-cv-01311-ADA-SKO (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS THIS  
ACTION FOR PLAINTIFF'S FAILURE TO  
OBEY COURT ORDERS AND FAILURE TO  
PROSECUTE

(ECF No. 17)

Plaintiff Brian Tracey Hill ("Plaintiff") is proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 21, 2023, the Magistrate Judge found that Plaintiff failed to obey the Court's orders and failed to prosecute this action. (ECF No. 17.) Specifically, the Magistrate Judge found Plaintiff had failed to respond to the Court's First Screening Order issued January 25, 2023, and the Order to Show Cause issued on February 16, 2023; further, Plaintiff had failed to keep the Court apprised of his current and correct address. (*Id.* at 2-4.) Therefore, the Magistrate Judge recommended the action be dismissed without prejudice. (*Id.* at 4.) Plaintiff had the opportunity to file objections to the findings and recommendations within fourteen days but did not do so.

On April 7, 2023, the findings and recommendations were returned to the Court by the United States Postal Service. The envelope was marked "Undeliverable" and "Not deliverable as

1 addressed.” However, “[e]ach appearing attorney and pro se party is under a continuing duty to  
2 notify the Clerk and all other parties of any change of address or telephone number of the attorney  
3 or the pro se party. Absent such notice, service of documents at the prior address of the attorney  
4 or pro se party shall be fully effective.” Local Rule 182(f).

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
6 *de novo* review of this case. Having carefully reviewed the file, the Court finds the findings and  
7 recommendations to be supported by the record and proper analysis.

8 Accordingly,

- 9 1. The Findings and Recommendations, (ECF No. 17), issued March 21, 2023, are  
10 ADOPTED in full;  
11 2. This action is DISMISSED without prejudice; and  
12 3. The Clerk of the Court is directed to close this case.

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15 IT IS SO ORDERED.

16 Dated: June 1, 2023

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UNITED STATES DISTRICT JUDGE